

### **REMARKS**

Claims 1-40 are pending, of which, claims 1-15 and 40 are currently under consideration. Claims 1, 9 and 40 have been amended herein. Support for these amendments is found in paragraph [0082] of the corresponding U.S. Published Application No. 2003-0008458-A1.

#### **Applicant's Response to the Rejections under 35 U.S.C. §102**

Claims 1-5, 7, 9-12, 14 and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Patelmo et al.* In response thereto, Applicant has amended claims 1, 9 and 40 to more distinctly claim the features regarded as the invention. These features are not present in the prior art.

Specifically, *Patelmo* neither discloses nor suggests that the bird's beak structure under the floating gate electrode 13A is formed simultaneously with the formation of the protection insulating film 18.

According to this limitation, simultaneously with the formation of the protection insulating film 18 that stabilizes the retention of stored electric charges by a nonvolatile memory and evenly covers the floating gate, a suitable bird's beak is formed selectively in a nonvolatile memory part. This results in a structural improvement by increasing the tolerance of a gate insulating film.

#### **Applicant's Response to the Rejections under 35 U.S.C. §103**

Claims 8 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Patelmo* in view of Applicant Admitted Prior Art, and claims 6 and 13 under 35 U.S.C. §103(a) as

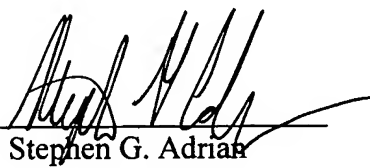
being unpatentable over *Patelmo* in view of *Prall et al.* As these claims depend from independent claims discussed above, Applicant respectfully submits that the amendments discussed above likewise correspond to claims 8 and 15 by nature of their dependency. Wherefore, favorable reconsideration is requested.

In view of the aforementioned amendments and accompanying remarks, all pending claims are believed to be in condition for allowance, which action, at an early date, is requested.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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